

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS DAVIS III, et al.,

Plaintiffs,

vs.

WESTGATE PLANET HOLLYWOOD LAS
 VEGAS, LLC, et al.,

Defendants.

Case No. 2:08-cv-00722-RCJ-PAL

ORDER

(Jt. Stip. Ext. Discovery - Dkt. #345)
 (Plaintiffs' Mot. Mod. Disc. - Dkt. #346)

Before the court is the parties' Joint Stipulation and Motion for Extension of Discovery (Dkt. #345), and Plaintiffs' Motion Seeking Modification of the Discovery Schedule in Respect to Expert Witness Disclosures (Dkt. #346). The court has considered the stipulation, Plaintiffs' motion and Defendants' response (Dkt. #347).

The parties joint stipulation requests an extension of the Discovery Plan and Scheduling Order deadlines. The motion (Dkt. #346) was filed on the deadline for designating experts because the court had not either approved or disapproved the stipulation. Additional time is requested for various reasons. First, by the time the stipulation was filed, the court had not decided a pending motion to compel (Dkt. #293). The parties had numerous disputes which the District Judge clarified in a ruling entered April 22, 2010. Counsel for Defendants suffered an additional health setback and was hospitalized. The parties represent that they have aggressively attempted to pursue discovery and to provide their experts with the information needed to complete discovery. However, additional time is requested.

Plaintiffs' motion details the additional information Plaintiffs' designated expert, Robert Taylor, needs to complete his analysis, and the additional deposition discovery needed in light of Defendants'

1 denial of requests for admissions. Defendants' response indicates Defendants do not object to
2 Plaintiffs' proposed extension of time for their expert, Robert Taylor, to provide his expert report.
3 Defendants are also not opposed to an extension of the discovery deadlines contained in the stipulation.
4 Defendants ask only that the court grant a mutual extension of time to both sides.

5 Having reviewed and considered the matter, and for good cause shown,

6 **IT IS ORDERED** that:

- 7 1. The court will approve a **final** extension of the Discovery Plan and Scheduling Order
8 deadlines as follows:
 - 9 a. Last date to complete discovery: **November 30, 2010.**
 - 10 b. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **September 30,**
11 **2010.**
 - 12 c. Last date to disclose rebuttal experts: **October 30, 2010.**
 - 13 g. Last date to file dispositive motions: **December 30, 2010.**
 - 14 h. Last date to file joint pretrial order: **January 29, 2010.** In the event dispositive
15 motions are filed, the date for filing the joint pretrial order shall be suspended
16 until 30 days after a decision of the dispositive motions.
- 17 2. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be
18 included in the pretrial order.
- 19 3. Applications to extend any dates set by this discovery plan and scheduling order shall, in
20 addition to satisfying the requirements of LR 6-1, be supported by a showing of good
21 cause for the extension. All motions or stipulations to extend discovery shall be
22 received no later than **4:00 p.m., November 10, 2010**, and shall fully comply with the
23 requirements of LR 26-4.
- 24 4. The parties' Joint Stipulation (Dkt. #345) is **NOT APPROVED.**

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Dated this 16th day of July, 2010.

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